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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,966	09/01/2000	Daniel R. Salmonsens	003551.P015	5668

7590 06/12/2006
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EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,966

Applicant(s)

SALMONSEN ET AL.

Examiner

Michael J. Simitoski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-13, 17, 18 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 8-13, 17, 18 and 22-26 is/are allowed.
- 6) ☒ Claim(s) 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 4/25/2006 was received and considered.
2. Claims 1-3, 8-13, 17-18 & 22-27 are pending.
3. Claims 1-3, 8-13, 17-18 & 22-26 are allowed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 27 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the entity sending an encrypted one-time session key is not identified in the claim and therefore, it is unclear to whom the session key is "returned", as recited in the last line of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,636,966 to Lee et al. (Lee) in view of U.S. Patent 6,065,403 to Subbiah et al. (**Subbiah**).

Regarding claim 27, Lee discloses determining a secure medium identification (disk ID)/file handles from a secure medium/disk including content (Fig. 2E'1, #319), sending an encrypted one-time session key (random challenge, session ID, engine signature) (Fig. 2E'1, #319) and disk ID/handles to a server (Fig. 2E'1, #322), requesting user authentication (Fig. 2E'1, #325), if the user is successfully authenticated and receiving a copy of the encrypted one-time session key (random challenge, session ID, server signature) from the server to enabled reading of the content on the secure medium (Fig. 2E'1, #329-330). Lee lacks determining if the disk ID is already associated with a user and if the disk ID is not yet associated with the user, associating the user authentication data with the disk ID. However, Subbiah teaches that to control access to purchased software and centrally control the number of usable copies (col. 7, lines 26-30), a user inputs software with a unique identifier thereon, the system requests user authentication data, determines that no users are associated with the unique identifier and associates the unique identifier with the entered user identification data/biometric (col. 6, lines 15-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee to determine if the disk ID is already associated with a user, if the disk ID is not yet associated with the user, to associate the user authentication data with the disk ID and to determine that the disk ID is associated with the user (Subbiah, col. 6, lines 55-67). One of ordinary skill in the art would have been motivated to perform such a modification to control access to purchased software and centrally control the number of usable copies, as taught by Subbiah (col. 6, lines 15-67 & col. 7, lines 26-30). As modified, Lee lacks if the user authentication does not match the user associated with the disk ID, the server refusing to return the session key. However, the examiner takes Official Notice that halting a process and/or

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returning and error upon user authentication/credit card authorization failing is old and well established in the art of authentication as a method of preventing fraud and unauthorized access. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee, as modified above, to stop the process if the user does not match the user associated with the disk ID (user authentication) and hence refuse to return the session key. One of ordinary skill in the art would have been motivated to perform such a modification to prevent fraud and unauthorized access. This advantage is well known to those skilled in the art.

Allowable Subject Matter

8. Claims 1-3, 8-13, 17-18 & 22-26 are allowed.

9. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art relied upon fails to teach or suggest sending an encrypted one-time session key and a disk ID to a server, if a user is successfully authenticated, receiving a copy of the encrypted one-time session key from the server and an application using the content decryption key and the session key returned by the server to decrypt the content received from the secure medium and playing the decrypted content, in combination with the other elements of the claim.

Regarding claim 17, the prior art relied upon fails to teach or suggest an apparatus comprising a session key generation logic to generate a one-time session key, an encryption logic to send the ID and the session key encrypted to a server and an application on a client system

that uses a decryption key to decrypt content wherein the decryption key includes both the session key and a content decryption key, in combination with the other elements of the claim.

Regarding claims 25-26, the prior art relied upon fails to teach or suggest a secure device encrypting content prior to sending the content to an application, the application comprising a user authentication interface to send user authentication received from the user to the server, an association logic to determine if the disk ID is associated with the user and if the disk ID is not yet associated with the user, to associate the user authentication data with the disk ID and if the disk ID is associated with the user, determining that the current user authentication matches the user associated with the disk ID, to authenticate the user, a key logic to receive a decryption key from the server if the user is successfully authenticated and a streaming decryption logic to receive encrypted content from the secure device and decrypt the encrypted content using the key received from the server, in combination with the other elements of the claim.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..

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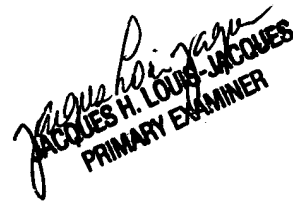
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS



June 5, 2006



JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER